IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6237 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LAKHABHAI RAMBHAI OREDRA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 6237 of 1988

NOTICE SERVED for Petitioner No. 1

SHRI PANDYA, A.G.P. for Respondent No. 1-3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 11/12/2002

ORAL JUDGEMENT

1. By way of this petition the petitioner has challenged the impugned order dated 28.12.1987 (Annexure:B) passed by the Dub-Divisional Magistrate, Porbandar and the order dated 31.5.1988 (Annexure : C) passed by the District Magistrate, Junagadh, and it is prayed that the respondents be directed to treat the

petitioner's licence No.32/81 for .315 N.P.Bore Rifle as valid.

2. Initially this petition was filed by Shri G.R.Udhvani, learned advocate for the petitioner, but after he was appointed as Judge of City Civil Court, Notice was issued to the petitioner which was accepted by his brother and thereafter the petitioner has not thought it fit to make any alternative arrangement to appear on his behalf in this matter.

3. Under the circumstances the matter is heard and decided after hearing learned A.G.P. Shri Pandya for the respondents.

4. The licence for any weapon has to be granted for a particular period. In the instant case the petitioner was also granted licence for his Bore Rifle. He was involved in a criminal offence which was registered against him being Criminal Case No.55 of 1986 for serious offences like Sections 323, 506, 341, 504 I.P.Code and in Criminal Case No.97 of 1987 for the offences punishable u/ss.147, 148, 149, 325, 324, 323 I.P.Code and Section 135 of Bombay Police Act and Section 25(C) of the Arms Act. Therefore, he was served with Notice dated 17.10.1987 issued by learned Sub Divisional Magistrate, Porbandar and thereafter by his impugned order dated 28.12.1987 be cancelled the licence of the petitioner and he directed the petitioner to deposit the said weapon within 2 months from the date of order. Aggrieved by that order the petitioner has filed Appeal No.4 of 1988 before the learned District Magistrate,Junagadh, which was also dismissed by the learned District Magistrate on the ground that he was involved in a serious criminal case.

5. When this petition was filed in 1988 it was straightway admitted on 14.9.1988 by the learned Single Judge of this Court and thereafter it has been placed for final disposal today i.e. after 14 years of its admission.

6. Apart from the fact that period of licence was over long back, on merits also the petitioner has no case because both the Authorities have clearly found that the petitioner was involved in a serious offences punishable under various sections of the Indian Penal Code. In that view of the matter when the Authorities have exercised their powers against then petitioner then certainly this Court would not exercise its jurisdiction under Article 227 of the Constitution of India which are very narrow and limited. As held by the Hon'ble Supreme Court in the

case of MOHD.YUNUS v/s. MOHD.MUSTAQIM & ORS. reported in AIR 1984 SC 38, that even error of law cannot be corrected by this Court in its jurisdiction under Article 227 of the Constitution of India. In this case neither any error of law nor any error on facts committed by the Authorities and therefore this petition is required to be dismissed. Accordingly, it is dismissed. Rule discharged. No order as to costs.

sd/-

Date : December 11, 2002 (B.J.Shethna, J.)

sas